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C O N F I D E N T I A L SECTION 01 OF 02 BRATISLAVA 000232

SIPDIS

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SUBJECT: LAJCAK CALLS IN CHARGE OVER EMBASSY'S STATEMENTS  
ON SPECIAL COURT

REF: BRATISLAVA 221

Classified By: CDA Keith A. Eddins, for reasons 1.4 (b and d)

¶1. (C) Summary: Slovak FM Lajcak called in Charge May 27 to relay President Gasparovic's extreme displeasure over Embassy Bratislava's recent public statements in which we expressed regret at the demise of the Special Court for anti-corruption cases. Lajcak said Gasparovic felt U.S. comments (as well as similar remarks by the UK ambassador) represented verged on interference in Slovakia's internal affairs and insisted that the U.S. and UK chiefs of mission be informed of his feelings. While expressing regret that Gasparovic had thus interpreted the Embassy's statements, the Charge made clear that the U.S. had been actively engaged in support of the Slovak judicial sector since the mid-1990s. He explained that U.S. comments on the important role played by the Special Court were based on shared U.S.-Slovak international legal and political commitments and also represented a specific and definable U.S. interest in supporting American investors in Slovakia who see the need for active anti-corruption efforts. Lajcak -- whose heart was clearly not in the demarche -- said he understood and quickly moved on to other issues. End Summary.

¶2. (C) Slovak Foreign Minister Lajcak called Charge into the MFA May 27 for a one-on-one discussion of the Slovak Constitutional Court's recent decision that the anti-corruption Special Court was unconstitutional (reftel and previous). Making clear that he was acting under direct instructions from President Gasparovic, Lajcak said the President viewed Embassy Bratislava's May 20 statement on the issue as verging on interference in Slovak internal affairs. Lajcak explained that an angry Gasparovic -- who had called Lajcak in Hanoi -- said that he could understand that Western governments might have made such comments 10-15 years ago, but that Slovakia was now a full member of NATO and the EU and should not be treated in such a manner. Lajcak noted that he just made a similar demarche to the UK Ambassador, who had also displeased Gasparovic by publicly lamenting the end of the Special Court.

¶3. (C) In reply, Charge expressed regret that the President had interpreted the Embassy's statement -- a copy of which he passed to Lajcak -- as somehow inappropriate. It should have come as no surprise to the Slovaks, as the substance and language were fully consistent with what we had been saying in public and private ever since the question of shutting down the Special Court's had arisen in late 2006. Moreover, the U.S. had been involved with the Slovak judicial system since the mid-1990s, pursuing a rule-of-law agenda that aimed to help Slovakia meet the good-governance and anti-corruption standards set by NATO and -- especially -- the EU. That Slovakia has just celebrated its fifth anniversary as a member of both institutions testified to the success we had achieved cooperatively. In fact, the Charge noted, we have continued to provide as much support as we can in the post-EU membership world, sending Special Court judges, anti-corruption prosecutors, and police investigators on a specially-designed International Visitor Program as recently

as last fall.

¶4. (C) Charge further noted that as fellow members of the OECD (and signatories of the OECD anti-bribery convention) we shared a mutual commitment to ensure that our respective counter-corruption systems met the highest possible standards. As recently as last year, Slovakia had assured the OECD working group on bribery that efforts to abolish the Special Court had been suspended, just as Prime Minister Fico had promised. Finally, Charge underscored the fact that U.S. companies have invested more than \$4 billion in Slovakia and employ about 50,000 Slovak workers. As such, the Embassy had a responsibility to American investors to call for a judicial system that can address the very serious problems of corruption and organized crime, which Lajcak himself has acknowledged exist. Just as the EU, OECD, and Council of Europe believe the Special Court has an important role to play, so does the United States. To ignore the issue would be to abrogate our responsibility to existing and potential American investors.

¶5. (C) Lajcak said he fully understood why the U.S. had commented on the case (and added that he, himself, did not find the U.S. statement objectionable), but reiterated that he was simply reporting President Gasparovic's concerns, as he had promised the President he would do. He then proceeded to outline the Fico government's plans to recreate the Special Court in a form designed to meet the Constitutional Court's objections. He said that Fico had been surprised and dismayed by the Constitutional Court's decision and was working hard to find a solution that preserved the Special Court's functions. Charge said that the U.S. was aware of

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the government's ongoing efforts, which we recognized were being undertaken without any support from Fico's coalition partners (HZDS, led by notorious ex-PM Vladimir Meciar, and SNS, led by corrupt ultranationalist Jan Slota). Our interest, the Charge concluded, was not in the specific form a new counter-corruption court might take, but rather in its ability to accomplish its mission. Lajcak agreed, and expressed hope that a solution could be found that the U.S. could publicly endorse. The discussion then moved on to various other issues, including Afghanistan, the Balkans, and Slovak-Hungarian relations (septel).

¶6. (C) Embassy Comment: Lajcak -- whose heart was obviously not in the demarche -- made it very clear that he was endeavoring to fulfill his President's request without actually taking us to task. His words were carefully chosen and his manner was open and friendly throughout the half-hour discussion (only about 10 minutes of which was actually devoted to the Special Court and other rule-of-law issues). We are less sanguine than Lajcak, however, regarding the follow-on court that the Fico government is rapidly moving to establish. Significantly, Lajcak did not ask us to refrain from further public comments on the issue and we certainly will not hesitate to advocate key U.S. interests by urging the Slovaks to honor their international anti-corruption commitments. End Comment.

EDDINS